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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,053	04/02/2008	Amotz Shemi	P-6624-US	5606
56639	7590	04/06/2009	EXAMINER	
EMPK & Shiloh, LLP c/o Landon IP, Inc. 1700 Diagonal Road Suite 450 Alexandria, VA 22314				KIM, ELLEN E
ART UNIT		PAPER NUMBER		
2874				
			NOTIFICATION DATE	DELIVERY MODE
			04/06/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PUSDKT@EM-LG.COM

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/590,053	SHEMI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ellen Kim	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ .                                     |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ .   | 6) <input type="checkbox"/> Other: ____ .                         |

***SUPPLEMENTAL DETAILED ACTION***

This supplemental Office action is made for replacement of the previous Office action mailed on 2/5/09. Any inconvenience to Applicant is regretted.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1- 14, and 16-18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yoshimura et al (USPAT 6,611,635, Applicant's submitted prior art).**

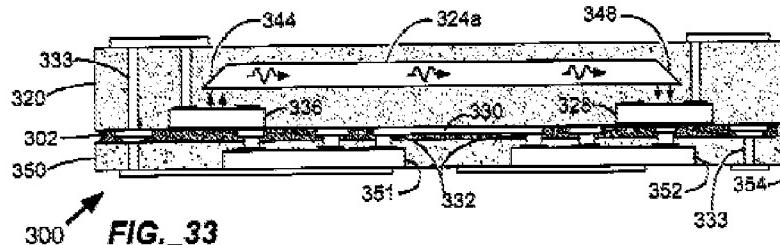
Yoshimura et al disclose a hybrid module and the method of fabricating comprising:

an electro-optical components 328,336 (fig. 33 as shown below);

an electronic component for amplifying (351,352 in fig. 33);

a planar light wave circuit formed of a glass layer (see column 13, lines 59-62);

and an optical waveguide 324a embedded in the planar light wave circuit.



emitters) to a bank of photo-detectors.) As a supporting substrate, a polymer film, such as Mylar, or glass, quartz, is then laminated to the top surface of the GaAs components, including the array chips. The entire substrate is then

In re claim 2, Yoshimura et al show an optical fiber plug connector near 13 in fig. 1.

In re claim 3, Yoshimura et al show an embedded mirror 158 in fig. 30.

In re claim 4, Yoshimura el al clearly shows the tapered portion of the waveguide in fig. 33.

In re claims 5-7, Yoshimura et al teach at column 6, second paragraph that the substrate 12 can be made of aluminum material. It is clear that the aluminum material inherently functions as a heat sink.

In re claims 8, it is clear that the reflecting portions 344 and 348 can be considered as mirrors.

In re claim 11, dicing is shown at column 21, lines 17-23, and filling metal is shown in column 14, lines 61-end.

In re claim 13, etching is shown at column 15, lines 13-22.

In re claim 14, the double bar is shown in fig. 1, 21, and 72A, the groove for holding optical fiber is inherently polished (at some degree), and attaching pig-tail fibers are clearly shown in fig. 1.

In re claim 16, smaller substrates are clearly shown in fig. 72A, and any polymer material (see column 8, lines 11-12, EO material of polymer) can be considered as thermal conductive polymer.

In re claim 18, the claimed method of forming the device is not germane to the issue of patentability of the device itself. Therefore this limitation has not given any patentable weight.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimura et al.**

Yoshimura et al disclose every aspect of claimed invention except for the active alignment beam.

Official Notice is taken that utilizing active alignment technique for aligning elements is old and well known in the art. See In Re Malcolm 1942 C.D. 589:543 O.G. 440 MPEP 706.02 (a).

Therefore, it would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify Yoshimura et al device to include the active alignment beams for the purpose of precise alignment of elements.

***Conclusion***

In formation regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

For all official patent application related correspondence for organizations reporting to the Commissioner of Patents:

Art Unit: 2874

- Correspondence that is transmitted by facsimile must be directed to the central facsimile number, (703) 872-9306.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen Kim whose telephone number is (571) 272-2349. The examiner can normally be reached on Monday through Thursday.

/Ellen Kim/  
Primary Examiner,  
Art Unit 2874  
April 2, 2009/EK